

Bruce T. Beesley

Honorable Bruce T. Beesley
United States Bankruptcy Judge



Entered on Docket
October 28, 2013

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UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF NEVADA

In re:)	Case No.: 13-13969-BTB
)	
Regal Property Holdings, Inc.)	Chapter 11
)	
Richard N. Roberts and Jane S. Roberts,)	Joint Administration With:
)	Case No.: 13-13968-BTB
)	
Debtors.)	Hearing Date: October 1, 2013
)	Hearing Time: 1:30 p.m.

ORDER (i) APPROVING THE DISCLOSURE STATEMENT; (ii) APPROVING THE FORM OF BALLOTS AND PROPOSED SOLICITATION AND TABULATION PROCEDURES; (iii) FIXING THE VOTING DEADLINE WITH RESPECT TO THE DEBTORS' CHAPTER 11 PLAN; (iv) PRESCRIBING THE FORM AND MANNER OF NOTICE THEREOF; (v) FIXING THE LAST DATE FOR FILING OBJECTIONS TO CHAPTER 11 PLAN; (vi) SCHEDULING A HEARING TO CONSIDER FINAL APPROVAL OF THE DISCLOSURE STATEMENT AND CONFIRMATION OF THE CHAPTER 11 PLAN; AND (vii) APPOINTING THE SCHWARTZ LAW FIRM AS SOLICITATION AND TABULATION AGENT

1 Upon the application dated July 26, 2013 (the “**Scheduling Motion**”),¹ with the Joint
2 Disclosure Statement dated July 19, 2013, and the Joint Plan of Reorganization dated July 19,
3 2013, of the above-captioned debtors and debtors-in-possession (the “**Debtors**”), for an order,
4 (i) approving the disclosure statement; (ii) approving the form of ballots and proposed
5 solicitation and tabulation procedures for the Plan; (iii) fixing the voting deadline with respect
6 to the Plan, (iv) prescribing the form and manner of notice thereof; (v) fixing the last day for
7 filing objections to the Plan; (vi) scheduling a hearing to consider final approval of the
8 Disclosure Statement and the confirmation of the Plan, and (vii) approving The Schwartz Law
9 Firm, Inc. (“**SLF**”) as the Debtors’ solicitation and tabulation agent (the “**Solicitation and**
10 **Tabulation Agent**”); and Stirling Mortimer Global Property Fund PCC Limited (“**Stirling**”)
11 and the Internal Revenue Service (the “**IRS**”) each having filed an opposition to the Disclosure
12 Statement, and the Debtor having filed a reply and a first amended Disclosure Statement (the
13 “**Disclosure Statement**”) to address the oppositions of Stirling and the IRS; and it appearing
14 that the Court has jurisdiction over this matter; and it further appearing that the relief requested
15 in the Scheduling Motion is in the best interests of the Debtors, their bankruptcy estate and
16 their creditors; and all objections either having been withdrawn or overruled; and upon all of
17 the proceedings had before the Court; and after due deliberation and sufficient cause appearing
18 therefore, it is hereby:
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21 **ORDERED** that the Pursuant to section 1125 of the Bankruptcy Code and Rule
22 3017(b) of the Federal Rules of Bankruptcy Procedure, the Joint Disclosure Statement, as
23 amended, is hereby approved, and it is further
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31 ¹ All capitalized terms not otherwise defined herein have the meaning ascribed to such terms in
32 the Scheduling Motion.

1 **ORDERED** that pursuant to Bankruptcy Rule 3017(c), **December 13, 2013**, shall be
2 the last date to vote to accept or reject the Plan (the “**Voting Deadline**”); and it is further

3 **ORDERED** that pursuant to section 1128(a) of the Bankruptcy Code and Bankruptcy
4 Rule 3017(c), the hearing to consider confirmation of the Debtors’ Chapter 11 Plan shall be
5 held on **January 23, 2014, at 2:00 p.m., and January 24, 2014, at 9:00 a.m.**; and it is further

6 **ORDERED** that pursuant to Bankruptcy Rules 3020(b) and 9006(c)(1), objections, if
7 any, to confirmation of the Plan shall be in writing and shall (a) state the name and address of
8 the objecting party and the nature and amount of the claim or interest of such party, (b) state
9 with particularity the basis and nature of each objection or proposed modification to the Plan
10 and (c) be filed, together with proofs of service, with the Court (with a copy delivered to
11 chambers) and served so that such objections are actually received by the parties listed below,
12 no later than **December 13, 2013** (the “**Confirmation Objection Deadline**”):

13 Samuel A. Schwartz, Esq.
14 The Schwartz Law Firm
15 6623 Las Vegas Blvd. South, Suite 300
16 Las Vegas, Nevada 89119
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18 and it is further

19 **ORDERED** that that any party failing to file and serve an objection to the Disclosure
20 Statement and Plan in compliance with this Order shall be barred from raising any objections at
21 the Confirmation Hearing; and it is further

22 **ORDERED** that replies to any objections to the Plan shall be due on **January 9, 2014**,
23 and the Debtor’s ballot summary shall be due on **January 20, 2014**; and it is further

24 **ORDERED** that the Confirmation Hearing may be adjourned from time to time
25 without prior notice to holders of claims, holders of equity interests, or other parties in interest
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1 other than the announcement of the adjourned hearing date at the Confirmation Hearing; and it
2 is further

3 **ORDERED** that pursuant to Bankruptcy Rules 3018(c) and 3017(a), the form of
4 ballots, attached to the Scheduling Motion as Exhibit B are approved; and it is further

5 **ORDERED** that pursuant to Bankruptcy Rules 3017(c) and 3018(a), the holders of
6 claims in Classes 1, 2, 3, 5 and 6 of the Plan as of the Record Date may vote to accept or reject
7 the Plan by indicating their acceptance or rejection of the Plan on the ballots provided
8 therefore; and it is further

9 **ORDERED** that the provision of notice in accordance with the procedures set forth in
10 this Order and the Voting Procedures shall be deemed good and sufficient notice of the
11 Confirmation Hearing, the Voting Deadline and the Confirmation Objection Deadline; and it is
12 further

13 **ORDERED** that, pursuant to Bankruptcy Rule 3017(c), but except as otherwise
14 expressly provided in the Voting Procedures, in order to be considered as acceptances or
15 rejections of the Plan, all ballots must be properly completed, executed, marked and actually
16 received by the Solicitation and Tabulation Agent on or before the Voting Deadline; and it is
17 further

18 **ORDERED** that the Solicitation and Tabulation Agent is authorized and directed to
19 effect any action reasonably necessary to accomplish the solicitation and tabulation services
20 contemplated by the Disclosure Statement and the Voting Procedures; and it is further

21 **ORDERED** that the Debtors are not required to mail a solicitation package, or
22 unimpaired or impaired notices (as the case may be) to any individual or entity at an address
23 from which notice of the Confirmation Objection Deadline was returned by the United States

1 Postal Office as undeliverable, unless the Debtors or the Solicitation and Tabulation Agent are
2 provided with a more accurate address prior to the Record Date. The Solicitation and
3 Tabulation Agent shall report any undeliverable solicitation packages in its ballot declaration;
4 and it is further
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6 **ORDERED** that any entity entitled to vote to accept or reject the Plan may change its
7 vote before the Voting Deadline by casting a superseding ballot so that such superseding ballot
8 is actually received by the Solicitation and Tabulation Agent on or before the Voting Deadline;
9 and it is further
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12 **ORDERED** that creditors who timely file an objection prior to the Confirmation
13 Objection Deadline, but fail to cast a ballot prior to the Voting Deadline, may cast a ballot
14 through the time of the Confirmation Hearing in connection with the resolution of their
15 objection; and it is further
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17 **ORDERED** that any class of creditors or equity security holders that fails to vote shall
18 not be deemed an accepting class under the Plan, and any ballot that is not marked as either
19 accepting or rejecting the Plan shall not be counted for voting purposes, unless a properly
20 marked superseding ballot is received by the Voting Deadline; and it is further
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23 **ORDERED** that the Debtors are authorized and empowered to take such other actions
24 and execute such other documents as may be necessary or appropriate to implement the terms
25 of this Order; and it is further
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1 **ORDERED** that this Court shall, and hereby does, retain jurisdiction with respect to all
2 matters arising from or in relation to the implementation of this Order.
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5 SUBMITTED BY:

6 THE SCHWARTZ LAW FIRM, INC.
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8 By: /s/ Samuel A. Schwartz
9 Samuel A. Schwartz, Esq., NBN 10985
10 6623 Las Vegas Blvd. South, Suite 300
11 Las Vegas, Nevada 89119
12 Attorneys for Debtors
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SUBMISSION TO COUNSEL FOR APPROVAL PURSUANT TO LR 9021

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

_____ The court has waived the requirement set forth in LR 9021(b)(1).

_____ No party appeared at the hearing or filed an objection to the motion.

 X I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

_____ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of this order.

APPROVED: J. Thomas Beckett, Esq.

DISAPPROVED:

FAILED TO RESPOND:

Submitted by:

THE SCHWARTZ LAW FIRM, INC.

By: /s/ Samuel A. Schwartz

Samuel A. Schwartz, Esq., NBN 10985
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